

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
(PITTSBURGH)**

IN RE:  
**Todd Ussack**  
**Debtor**

**Todd Ussack**

v.

**WILMINGTON TRUST, NATIONAL  
ASSOCIATION, NOT IN ITS INDIVIDUAL  
CAPACITY, BUT SOLELY AS TRUSTEE FOR  
MFRA TRUST 2015-1**  
**Respondent**

CHAPTER 13

CASE NO.: 20-22253-TPA

HEARING DATE: November 13, 2020

HEARING TIME: 10:00 AM

LOCATION: Zoom

**REPLY TO THE DEBTOR’S RESPONSE TO MOTION FOR RELIEF**

1. Wilmington Trust, National Association, not in its Individual Capacity, but solely as Trustee for MFRA Trust 2015-1 (“Wilmington Trust” or “Movant”) hereby files the instant reply to Debtor’s responsive pleading.

2. Movant is the holder of a secured claim in this proceeding by virtue of a first mortgage it holds in relation to the real property known as 156 Chalfonte Avenue, Pittsburgh, PA 15229 (the “Subject Property”).

3. Movant filed its Motion for Relief from the Automatic Stay, Co-Debtor Stay, and Prospective In Rem Stay on September 23, 2020.

4. On October 7, 2020, Debtor filed its Response to Movant’s Motion, in which Debtor claims to be current with Trustee payments by way of wage order, as well as by payment remitted in the form of a money order before the administration of the wage order went into effect.

5. However, Debtor’s Response fails to explain that Debtor has paid a total of only \$2,070.00 towards the plan since this bankruptcy was initiated on July 31, 2020.

6. Debtor's Response similarly fails to explain that the Trustee forgave Debtor's payment arrears in the amount of \$4,101.00 on September 23, 2020.

7. In other words, Movant is due mortgage payments in the amount of \$5,375.92, representing post-petition payments through October 1, 2020, for which the Debtor has not tendered sufficient funds to repay at this time.

8. Rather, Debtor has paid only \$2,070.00 toward funding the plan and ongoing payments as of October 8, 2020, when monthly payments in the amount of \$2,318.00 had been proposed from the inception of the case.

9. In addition, Debtor's Response places a great deal of emphasis on the fact that Debtor's Motion to Extend Stay was granted as unopposed. However, Debtor's Motion was based upon factual statements made under oath that Debtor's financial condition had improved.

10. More specifically, Debtor's Motion plead that Debtor had sufficient household income to allow him to remit full plan payments.

11. Said Motion was granted by Order entered on August 19, 2020.

12. On August 20, 2020, Debtor's delayed budgeting was filed, revealing that Debtor's financial condition had not actually improved as alleged.

13. Moreover, Debtor's failure to remit timely Trustee payments occurred after the Motion to Extend was granted, thereby contradicting Debtor's previous statements.

14. Debtor's delayed budgeting constitutes newly discovered evidence as the schedules are a sworn statement of his financial condition that directly contradicts the statements made in support of Debtor's Motion to Extend.

15. Accordingly, Movant respectfully requests this Court to reconsider Debtor's request to extend the automatic stay in light of these facts and/or for the Court to determine that Movant is entitled to stay relief as set forth in its motion.

Respectfully submitted,

By: /s/ Kaitlin Shire

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**CERTIFICATE OF SERVICE**

I hereby certify that service was made upon all interested parties indicated below of (i) WILMINGTON TRUST, NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR MFRA TRUST 2015-1's Response to Debtor's Response regarding the Motion for Relief in the manner indicated below:

Date Served (ECF) or Mailed: October 13, 2020

Todd Ussack  
156 Chalfonte Avenue  
Pittsburgh, PA 15229  
**Debtor**  
**Via Regular Mail**

Carole Lynne Ussack  
156 Chalfonte Avenue  
Pittsburgh, PA 15229  
**Co-Debtor**  
**Via Regular Mail**

Paul W. McElrath, Jr., Esquire  
McElrath Legal Holdings, LLC.  
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**Debtor's Counsel**

**Via ECF**

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600 Grant Street  
Pittsburgh, PA 15219  
**Chapter 13 Trustee**  
**Via ECF**

*U.S. Trustee*  
Office of the United States Trustee  
Liberty Center.  
1001 Liberty Avenue, Suite 970  
Pittsburgh, PA 15222  
**U.S. Trustee**  
**Via ECF**

By: /s/ Kaitlin Shire